

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE:

B-216899

DATE: October 31, 1984**MATTER OF:** NBI, Inc.**DIGEST:**

Protest that the procuring agency allowed an insufficient amount of time to prepare proposals after issuing a significant amendment is untimely where not filed prior to the amended closing date.

NBI, Inc. protests the award of any contract under request for proposals (RFP) No. SB85NBS0001, issued by the Department of Commerce for a word processing/text editing system. NBI contends that Commerce allowed insufficient time for responding to the RFP after issuing a significant amendment on October 10. The amendment extended the closing date to October 15. The protest, which was filed on October 22, is untimely.

Our Bid Protest Procedures require that protests based on alleged solicitation improprieties which do not exist in the initial solicitation but which subsequently are incorporated therein be protested prior to the next closing date for receipt of proposals following the incorporation. 4 C.F.R. § 21.2 (1984). As the alleged deficiency here concerns the closing date incorporated by the amendment, it clearly was evident from the face of the amendment. If NBI believed the closing date was improper, it should have so protested prior to that date. It did not do so, and its protest at this juncture will not be considered on the merits. See Colonial Ford Truck Sales, Inc., B-214239, Feb. 10, 1984, 84-1 CPD ¶ 174.

The protest is dismissed.

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General Counsel

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